DETAILED ACTION

This is a Non-final action for application number 10/747,682 based on after a

request for continued examination filed on 08/18/2009. The original application was filed

on 12/30/2003. Claims 1 – 8, 10 – 14, 17 – 30, 35, 39 – 45, 47, and 49 are currently

pending and have been considered below. Claims 9, 15, 16, 31 – 34, 36, 37, 38, 46 and

48 have been canceled. Claims 1, 10, 11, 12, 14, 17, 18, 19, 22, 23, and 45 are

amended.

Response to Arguments

Applicant's arguments with respect to claims 1 – 8, 10 – 14, 17 – 30, 35, 39 – 45,

47, and 49 have been considered but are moot in view of the new ground(s) of

rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action.

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

<u>Claims and 1 – 8, 10, 12 – 14, 17 – 30, 35, 39 – 45, 47, and 49 are rejected</u>

<u>under 35 U.S.C. 103(a) as being unpatentable over Friskel et al. (US 6,839,737), in</u>

<u>view of Katsikas et al. (US 2003/0191969) and further in view of Flemings et al. (US</u>

<u>2005/0188044)</u>

<u>Regarding claim 1 & 23 & 45</u>, Friskel teaches a method of providing online

presence information: maintaining, on one or more computer, a list of people that is

known to a user, **[FIG. 6 illustrates an example of the contents of approved**

contacts file 116, which is the list of other members of messaging system 100

that have been selected by the sender using sender computer 106 as being

approved contacts eligible to receive status information about the sender,

wherein the contact list is maintained as shown in Fig. 1, Ref # 116, (Friskel et al.,

Col. 6, lines 28 - 35)],

accessing, at one or more computer, the maintained list of people determined to

be known to a user, **[Approved contacts file 116 is visible to the sender, but other**

information regarding such members is not accessible by the sender as shown in

Fig. 1, Ref # 110 and 112 wherein a client contact list is shown, (Friskel et al., Col.

3, lines 56 – 60)],

accessing, at one or more computer, online presence information for the user,

[Hidden contacts file 112 contains a list of messaging system members received

from server 102 including the status information for each listed member as

provided by server 102 as shown in Fig. 4, Ref # 114, (Friskel et al., Col. 4, lines 25 – 29)],

determining, at one or more computer, a potential receiver of the online presence information, **[Hidden contacts file 112 corresponds to that portion of the members of messaging system 100 that have given the user of client computer 104 permission to receive their on-line status information as shown in Fig. 4 wherein the client as a potential receiver of the online presence of the contacts, (Friskel et al., Col. 3, lines 29 – 33)],**

comparing, at one or more computer, the potential receiver to the accessed list to determine if the potential receiver is included on the list, **[Visible contacts file 110 contains a list of aliases for those members of messaging system 100 that have been selected by the client user as being approved contacts eligible to receive status information about the client user as shown in Fig. 4, wherein the approved contact list has a potential receiver that is included on the list, (Friskel et al., Col. 3, lines 37 – 41)],**

and determining, at one or more computer, whether to communicate the online presence information to the potential receiver based on whether the potential receiver is included in the list, **[Approved contacts file 116 is stored on sender computer 106 and contains a list of aliases for members for which the sender using sender computer 106 has given permission to obtain on-line status information about the sender as shown in Fig. 5 wherein the approved contacts list and to communicate the online presence to the contact list, (Friskel et al., Col. 3, lines 50 – 55)],**

Friskel et al. fails to teach determining that a person is known to the user based, at least in part, on one or more actions performed by the user on one or more messages received by the user from the person,

Katsikas et al. teaches that the spam control system intelligently formulates the "authorized senders" rules list based upon user-defined actions previously stored in the email proxy preprocessor, **(Katsikas et al., Paragraph 27)**, in response to determining that the person is known to the user, adding the person to the maintained list, **[The "authorized senders" rules list may also be updated and manipulated by the user at any time to add or remove authorized senders and/or associated processing rules, (Katsikas et al., Paragraph 27)]**, in order update "authorized senders" lists , **(Katsikas et al., Abstract)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Friskel et al. by determining that a person is known to the user based, at least in part, on one or more actions performed by the user on one or more messages received by the user from the person, **(Katsikas et al., Paragraph 27)**, in order update "authorized senders" lists, **(Katsikas et al., Abstract)**,

The modified Friskel et al. fails to teach that the actions including one or more of (I) saving a message from the person; (2) printing a message from the person; (3) moving a message from the person from a first folder to a second folder; and (4) leaving a message from the person open for a predetermined period of time,

Fleming et al. teaches that the electronic mail system also allows the user to move the electronic mail messages from the inbox folder to other folders or to delete the

electronic mail messages, **(Fleming et al., Paragraph 4)**, in order to handle electronic

mail messages if they are unaware of any characteristic of the electronic mail message,

(Fleming et al., Paragraph 9),

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the modified Friskel et al. by including that one of the

actions saving a message from the person; printing a message from the person; moving

a message from the person from a first folder to a second folder; and leaving a

message from the person open for a predetermined period of time, **(Fleming et al.,**

Paragraph 4), in order to handle electronic mail messages if they are unaware of any

characteristic of the electronic mail message, **(Fleming et al., Paragraph 9).**

Regarding claim 2 & 24, Friskel teaches the method wherein determining

whether to communicate the online presence information to the potential receiver

comprises determining to not communicate the online presence information to the

potential receiver when the potential receiver is not included in the list, **[Fig. 4, is**

receiver is not on list, online presence won't be communicated].

Regarding claims 3 & 25, Friskel teaches the method wherein determining

whether to communicate the online presence information to the potential receiver

comprises determining whether to communicate the online presence information to an

instant messaging application of the potential receiver, **[Fig. 1, Ref # 108, wherein an**

E-mail server is equivalent to instant messaging].

Regarding claims 4 & 26, Friskel teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to display the online presence information on a web page, **[Fig. 3 shows an inbox which is a part of a webpage].**

Regarding claims 5 & 27, Friskel teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to display the online presence information in member search results, **[Fig. 3, Ref # 304, wherein the search result is in the inbox].**

Regarding claims 6 & 28, Friskel teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to display the online presence information in a member profile, **[Fig. 4, Ref # 114].**

Regarding claims 7 & 29, Friskel teaches the method wherein determining whether to communicate the online presence information to the potential receiver comprises determining whether to communicate the online presence information to the potential receiver when a request for online presence information is received from the potential receiver, **[Fig. 1, arrows 118 correspond to communication between client**

computer 104 and server 102 for requesting and providing member information

for hidden contacts file 112].

Regarding claims 8 & 30, Friskel teaches the method wherein determining

whether to communicate the online presence information to the potential receiver

comprises determining whether to communicate the online presence information to the

potential receiver absent a request from the potential receiver for the online presence

information, **[Fig. 4, Ref #114 wherein online status is available without request].**

Regarding claim 10, Friskel teaches a method of providing online presence

information: maintaining, on one or more computer, a list of people that is known to a

user, **(Friskel et al., Col. 6, lines 28 - 35),**

Friskel et al. fails to teach determining that a person is known to the user based,

at least in part, on one or more actions performed by the user on one or more

messages received by the user from the person,

Fleming et al. teaches that the method of claim 1 wherein the actions performed

by the user on one or more messages received by the user from the person include

saving an e-mail received from the person, **[the routine stores the selected**

electronic mail message in the Inbox folder and loops to step 201 to select the

next electronic mail message, (Fleming et al., Paragraph 19), in order to handle

electronic mail messages if they are unaware of any characteristic of the electronic mail

message, **(Fleming et al., Paragraph 9),**

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the modified Friskel et al. by including that one of the actions saving a message from the person; printing a message from the person; moving a message from the person from a first folder to a second folder; and leaving a message from the person open for a predetermined period of time, **(Fleming et al., Paragraph 4)**, in order to handle electronic mail messages if they are unaware of any characteristic of the electronic mail message, **(Fleming et al., Paragraph 9).**

Regarding claims 12, 21, and 43, Friskel teaches a method of providing online presence information: maintaining, on one or more computer, a list of people that is known to a user, **(Friskel et al., Col. 6, lines 28 - 35),**

Friskel et al. fails to teach determining that a person is known to the user based, at least in part, on one or more actions performed by the user on one or more messages received by the user from the person,

Fleming et al. teaches that the method of claim 1 wherein the positive actions performed by the user on one or more messages received by the user from tile person include moving an e-mail from a first folder to a second folder, **The electronic mail system also allows the user to move the electronic mail messages from the Inbox folder to other folders or to delete the electronic mail messages, (Fleming et al., Paragraph 19),** in order to handle electronic mail messages if they are unaware of any characteristic of the electronic mail message, **(Fleming et al., Paragraph 9),**

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the modified Friskel et al. by including that one of the

actions saving a message from the person; printing a message from the person; moving

a message from the person from a first folder to a second folder; and leaving a

message from the person open for a predetermined period of time, **(Fleming et al.,**

Paragraph 4), in order to handle electronic mail messages if they are unaware of any

characteristic of the electronic mail message, **(Fleming et al., Paragraph 9).**

Regarding claim 13 & 35, The method of claim 12 wherein the first folder is an

inbox folder and the second folder is a folder other than a delete folder or a spam folder,

[Friskel et al., Fig. 3, Ref # 312, 314]

Regarding claim 14, Friskel teaches a method of providing online presence

information: maintaining, on one or more computer, a list of people that is known to a

user, **(Friskel et al., Col. 6, lines 28 - 35),**

Friskel et al. fails to teach determining that a person is known to the user based,

at least in part, on one or more actions performed by the user on one or more

messages received by the user from the person,

Katsikas et al. teaches the positive action actions performed by the user on one

or more messages received by the user from the person includes leaving an e-mail from

the person open for a predetermined period of time, **[Open a file and email its**

contents, (Katsikas et al., Paragraph 85)], in order update "authorized senders" lists ,

(Katsikas et al., Abstract),

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify Friskel et al. by determining that a person is known to the

user based, at least in part, on one or more actions performed by the user on one or

more messages received by the user from the person, **(Katsikas et al., Paragraph 27)**,

in order update "authorized senders" lists, **(Katsikas et al., Abstract).**

Regarding claim 18 & 40, Friskel teaches that the method determining that a

person is known to the user based, at least in part, on one or more actions performed

by the user on one or more messages received by the user from the person includes

detecting user actions that mitigate against factors that otherwise are used to infer a

person is known to the user, **[Fig 6, Ref # 116].**

Regarding claim 19 & 41, Friskel teaches the method wherein the user actions

comprise the user taking steps to label a communication from the person as spam, **[Fig.**

5, Ref # 110].

Regarding claim 17, 39, 47, and 49, the method wherein determining that a

person is known to the user based, at least in part, on one or more actions performed

by the user on one or more messages received by the user from the person further

comprises inferring that a person is known to the user, wherein inferring comprises:

accessing a contact list of the user to determine a first contact on the user's contact list,

[Fig. 4 shows a contact list wherein Sue is the first contact],

and accessing a contact list of the first contact to determine a second contact on

the first contact's contact list, **[Fig. 4 shows a contact list wherein Sue is the first**

contact and Sue has her own contact list],

Regarding claim 22, 44, the method further comprising: enabling the user to

expressly designate a person as known to the user, **[Fig. 4 shows an approved list of**

contacts that are designated as known to the user],

and adding the designated person to the list, **[Fig. 4 shows an added person to**

the list of contacts that are designated as known to the user].

Regarding claims 20 and 42, Friskel teaches a method of providing online

presence information: maintaining, on one or more computer, a list of people that is

known to a user, **(Friskel et al., Col. 6, lines 28 - 35),**

Friskel et al. fails to teach that the method of claim 18 wherein the user actions

comprise the user taking steps to add a person to a blacklist,

Katsikas et al. teaches that to determine a FROM source is blacklisted or even

determining that the email contains viruses, **(Katsikas et al., Paragraph 45)**, in order

update "authorized senders" lists , **(Katsikas et al., Abstract),**

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify Friskel et al. by determining that a person is known to the

user based, at least in part, on one or more actions performed by the user on one or

more messages received by the user from the person, **(Katsikas et al., Paragraph 27)**,

in order update "authorized senders" lists, **(Katsikas et al., Abstract).**

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friskel

et al. (US 6,839,737), in view of Katsikas et al. (US 2003/0191969) and further in view

of Flemings et al. (US 2005/0188044) and further in view of Koch et al. (US

2005/0086305)

Regarding claims 11, Friskel teaches a method of providing online presence

information: maintaining, on one or more computer, a list of people that is known to a

user, **(Friskel et al., Col. 6, lines 28 - 35),**

Friskel et al. fails to teach determining that a person is known to the user based,

at least in part, on one or more actions performed by the user on one or more

messages received by the user from the person,

Koch et al. teaches that the method of claim 1 wherein the positive actions

performed by the user on one or more messages received by the user from the person

include printing an e-mail received from the person, **(Koch et al., Paragraph 9)**, in

order to provides the capability to create, share and modify "common notes", **(Koch et

al., Paragraph 10),**

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the modified Friskel et al. by printing an e-mail received

from the person, **(Koch et al., Paragraph 9),** in order to provides the capability to create, share and modify "common notes", **(Koch et al., Paragraph 10).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaq Taha whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Put can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

/S. T./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446